



## ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ 5042

ಪುಟ ಸಂಖ್ಯೆ .....

ವಿಷಯ Sri Arvind Gaur  
Mirabilis

ಕಂಡಿಕೆ  
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

### **Execution Order:**

#### **CMP 5042**

Complaint under Section 31 of RERA Act has been initiated by the complainant Mr.Sri Arvind Gaur who is the buyer under the project "MIRABILIS" which is developed by "Dinesh D Ranka" This complaint was filed by the complainant claiming refund. After hearing the parties, order was passed on 26/07/2021 by directed to pay delay compensation to the complainant by way of interest @2% above the MCLR of SBI per annum. On the respective amounts, from the respective dates of receipt of such amounts until handing over of the possession of the flat to the complainant and his wife with occupancy certificate till payment of the entire amount.

The respondent is directed to pay Rs.5000/- as cost of this petition to the complainant.

The complainant has calculated the amount paid by him. According to him from 05/22/2018 to 09/07/2019 he had paid total amount to the builder is Rs.61,40,949/- from 05/22/2018 to 26/07/2021 he as calculated on the respective amount paid on respective dates with interest of @9.75%(2% above the MCLR of SBI) per annum on the said amount, which interest totally comes to Rs.18,29,040/-.

Total amount due from the developer is Rs.18,34,040/-



## ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ ..... 5042

ಪುಟ ಸಂಖ್ಯೆ .....

ವಿಷಯ ..... Sr. Arvind Gaur

Mumbai.

ಕಂಡಿಕೆ  
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

The complainant has given a representation with memo of calculation since the developer failed to comply with the same. There is no appeal. Objections called for but not filed.

As per Rule 25 of the Karnataka Real Estate (Regulation and Development) Rules, 2017 the recovery of the amount due is to be considered as arrears of land revenue. In support of the same the authority is taking the shelter under Section 40 of the RERA Act which reads as follows;

*Sec 40(1): "if a promoter or an allottee of a real estate agent, as the case may be, fails to pay any interest or penalty or compensation imposed on him, by the adjudicating officer or the regulatory authority or the appellate authority, as the case may be, under this Act or the rules and regulations made there under, it shall be recoverable from such promoter or allottee or real estate agent, in such manner as may be prescribed as an arrears of land revenue"*

When Sec. 40 read with Rule 25, the Deputy Commissioner is empowered to execute the order dated 26/07/2021 considering this amount as arrears of land revenue and has to be recovered from the developer. Hence the following:



# ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ ..... 5042

ಪುಟ ಸಂಖ್ಯೆ .....

ವಿಷಯ ..... *See Award Case*  
*Misbills.*

ಕಂಡಿಕೆ  
ಸಂಖ್ಯೆ

ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು

## ORDER

By acting under Section 40 of the RERA Act, read with Rule 25, the amount payable of Rs. Rs.61,40,949/- .which is treated as arrears of land revenue from the developer "Dinesh D Ranka" and the same has to be recovered by sending the file to Deputy Commissioner for recovery as arrears of land revenue. The same amount shall be deposited in the office Account.

The above amount has been calculated up 07/10/2021.

Office is hereby directed to mention in the recovery warrant

a. As to the recovery of future interest on the amount of Rs./- @9.75% p.a. simple interest whenever it falls due, from 08/10/2021 to till realization.

*(Signature)*

(I.F BIDIRI)

**Adjudicating Officer**

*ಪರಿಶೀಲನೆ ಕಾರ್ಯಾಧಿಕಾರಿ.*



# ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ

ಕಡತದ ಸಂಖ್ಯೆ .....

ಪುಟ ಸಂಖ್ಯೆ .....

ವಿಷಯ .....

ಕಂಡಿಕೆ ಸಂಖ್ಯೆ	ಟಿಪ್ಪಣಿ ಮತ್ತು ಆದೇಶಗಳು	